

AUG 23 2007

Appln. No. 10/643,406

Attorney Docket No. 10541-1850

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-14 remain pending.

Claim Amendments

Claim 1 has been amended to recite that the elongate section and the end sections of each slot are engaged with a tube, as seen in Figures 3B and 3C. From this construction, it is readily apparent that the step portions of the slots cooperate to support the tubes by way of the offset between the step portion and the base portion, as is the intent of the present invention.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 2 and 7-11 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,044,209 to Peterson ("Petersen"). Applicant respectfully traverses this rejection.

The slot disclosed by Petersen fails to provide a construction in which both the elongate section of the slot and the end sections of the slot are engaged with a tube so as to support the tube. As seen in the below marked-up drawing of Figure 4 of the Petersen reference, this point is readily illustrated. As seen in Figure 4, the punched portion of the slot is provided with a stop, at edge 38, and to which the end of the tube will reach (Petersen col. 3 ll. 49, 63 and 64) when the tube is inserted. This



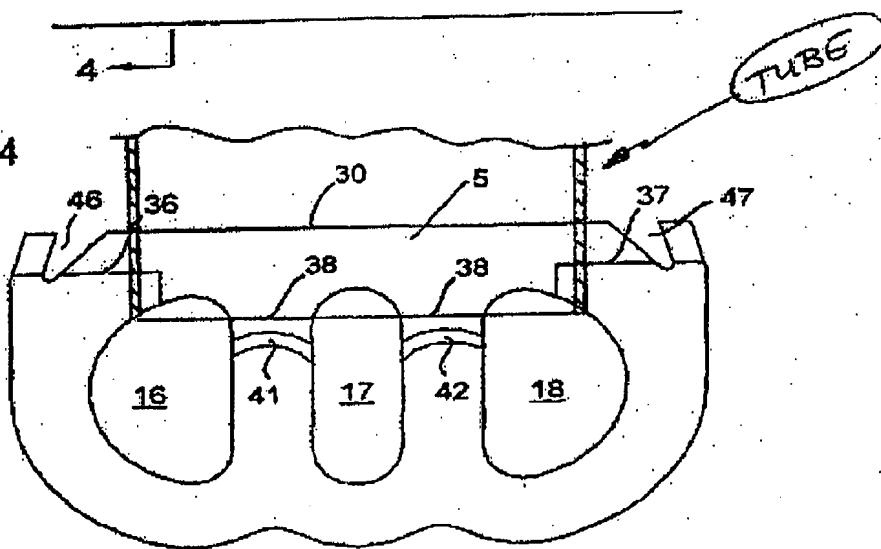
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portion of the hole that is formed by the punch die not only defines the step edge 38 for the tube, but also defines a pair of semicircular side edges extend between lines 36, 37 and channels 16, 18, respectively. Thus, as seen in marked-up Figure 4, when the tube is inserted into the manifold 3, the side ends of the tube engage the semicircular side edges of the punched portion of the hole. The side ends of the tube are not at all engaged with that portion of the slot located in the step portions (grooves 46, 47) of Petersen. The intended use of those grooves 46, 47 is actually otherwise, namely to clamp a brazing sheet on top of the manifold 3 by deforming the grooves 46, 47 so as to clamp the brazing sheet to the manifold. (See Petersen col. 4 ll. 5-10) Thus, as seen in the marked-up portion of Figure 4, the construction of Petersen does not include both an elongate section and end sections of the slot that are engaged with the tube, as recited in claim 1. For this reason, claim 1 is patentable over Petersen.

FIG. 4



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Claims 2 and 7-11 depend either directly or indirectly from claim 1. These claims are likewise allowable at least for the same reasons as claim 1.

Claim Rejections - 35 U.S.C. §103(a)

Claims 3-6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen ("Petersen").

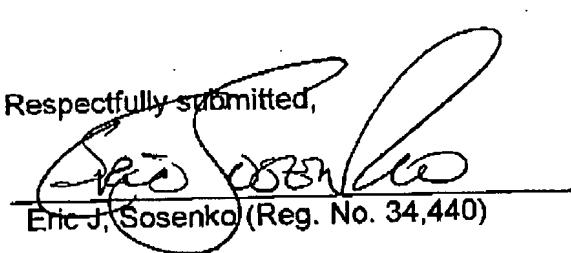
Since claims 3-6 depend from Claim 1, which Applicant respectfully submits is patentable for the reasons given above, it follows that claims 3-6 are likewise patentable, for at least the same reasons.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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Date


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